

## **REMARKS**

Claims 2 and 19 have been canceled. Claims 1 and 3-18 remain pending in this application. Applicants amend claims 1, 17 and 18 for further clarification, and refer to page 7, lines 31-36 and page 10, lines 11-32 in the specification for exemplary embodiments of and support for the claimed invention. No new matter has been added.

Claims 1, 3, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,754,221 to Whitcher et al. in view of U.S. Patent No. 6,678,250 to Grabelsky et al.; and claims 4-16 and 18 stand rejected as being unpatentable over Whitcher et al. and Grabelsky et al. in view of respective additional combining references. Applicants amend claims 1 and 17-18 in a good faith effort to further clarify the invention as distinguished from the cited references, and respectfully traverse the rejections.

Whitcher et al. describe—in col. 13, lines 5-8 thereof—that

“[w]hen customer premises equipment 14 is added to system 10, gateway 18 receives configuration information relating to customer premises equipment 14 and, in response, stores bandwidth and compression information in table 200.”

Thus, Whitcher et al. do not disclose or suggest periodically receiving RTCP packets from a receiver gateway apparatus—e.g., IAD 26, MTA 28 or WNIU 30 in Fig. 1 thereof—to which IP packets are transmitted by a packet processing unit—e.g., packetization module 110 in Fig. 2 thereof. Correspondingly, Whitcher et al., as cited and relied upon by the Examiner, fail to disclose or suggest determining a type of service value based on the RTCP packets received from the receiver gateway apparatus and transmitting the type of service value to the packet processing unit to control the packetizing of the packet processing unit, as recited in claim 1; and determining a type of encoding based on the RTCP packets received from the receiver gateway apparatus and transmitting the type of encoding to the encoding processing unit to control the encoding of the encoding processing unit, as recited in claim 1.

Fig. 3 of Grabelsky et al. illustrates a RTCP packet that is sent between nodes to convey network performance information. In the embodiments described in Grabelsky et al.,

“the RTCP mechanisms of RTP for sender and receiver reporting [are] used to relay performance information to one or more network monitoring sites for analysis and interpretation.”  
Abstract of Grabelsky et al.

Grabelsky et al. describe coded voice data being packetized using RTP at a sender gateway 20, and the sender gateway 20 directing the RTP packets to an IP network 30 that transports the packets to a receiver gateway 23 (the RTP traffic). Grabelsky et al. describe each RTP session member periodically receiving sender report (“SR”) or receiver report (“RR”) messages of RTCP packets from each other session member. As described on col. 9, line 60 to col. 10, line 38 of Grabelsky et al., a transmission interval between successive RTCP packets is controlled to prevent RTCP packets from consuming all of the network bandwidth. In other words, Grabelsky et al. describe receiving the SR or RR messages to control the transmission of the RTCP packets. Grabelsky et al., therefore, do not teach or suggest periodically receiving the RR messages from the receiver gateway 23 to control the transmission of the IP packets to be transmitted to the receiver gateway 23 via the IP network at the sender gateway 20 according to the network-state information of the IP network determined by the received RR messages.

Thus, Grabelsky et al. do not teach or suggest a packet processing unit of a sender gateway apparatus periodically receiving RTCP packets from a receiver gateway apparatus to which IP packets are transmitted by the packet processing unit of the sender gateway apparatus. And, therefore, Grabelsky et al. do not cure the deficiencies of Whitcher et al. mentioned above.

Thus, even assuming, arguendo, that it would have been obvious to one skilled in the art to combine Whitcher et al. and Grabelsky et al. at the time the claimed invention was

made, such a combination would still have failed to disclose or suggest,

"[a] gateway apparatus which interconnects a first network and an IP network, comprising:  
an encoding processing unit receiving voice data from the first network and generating encoded voice data from the received voice data;  
a packet processing unit creating IP packets of the encoded voice data from the encoding processing unit and transmitting the IP packets to a receiver gateway apparatus via the IP network, the packet processing unit periodically receiving real-time transport control protocol (RTCP) packets from the receiver gateway apparatus via the IP network;  
a network-state estimation unit determining network-state information of the IP network based on the received RTCP packets from the packet processing unit; and  
a determination unit controlling, before the transmission of the IP packets, at least the encoding of the voice data by the encoding processing unit based on the network-state information determined by the network-state estimation unit,  
wherein the IP packets to be transmitted to the receiver gateway apparatus via the IP network are processed according to the network-state information indicating the state of the IP network, independently of network state of other networks, and  
wherein the determination unit determines a type of service value based on the received RTCP packets and transmits the type of service value to the packet processing unit to control the packetizing of the packet processing unit, and the determination unit determines a type of encoding based on the received RTCP packets and transmits the type of encoding to the encoding processing unit to control the encoding of the encoding processing unit," as recited in claim 1.

Accordingly, Applicants respectfully submit that claim 1, together with claim 3 dependent therefrom, is patentable over Whitcher et al. and Grabelsky et al. for at least the foregoing reasons. Claim 17 incorporates features that correspond to those of claim 1 cited above, and is, therefore, patentable over the cited references for at least the same reasons. The Examiner cited and relied upon additional combining references to specifically address the additional features recited in claims 4-16, which depend from claim 1, and claim 18, which incorporates features that correspond to those of claim 1 cited above. Thus, further combinations with these additional references would still have failed to cure the above-

described deficiencies of Whitcher et al. and Grabelsky et al., even assuming, arguendo, that such further combinations would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claims 4-16 and 18 are patentable over the cited references for at least the above-stated reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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DTC:tb